

Hearing Date: December 13, 2016 at 10:00 A.M. EST
Response Deadline: December 9, 2016 at 4:00 P.M. EST

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re : Chapter 11
:
Gawker Media LLC, *et al.*, : Case No. 16-11700 (SMB)
:
Debtors. : (Jointly Administered)
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**MOTION OF PROPOSED *AMICI CURIAE*
SOCIETY OF PROFESSIONAL JOURNALISTS,
REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS,
AND 19 OTHER MEDIA ORGANIZATIONS FOR LEAVE TO FILE
MEMORANDUM OF LAW AS *AMICI CURIAE***

Non-parties the Society of Professional Journalists, the Reporters Committee for Freedom of the Press, and 19 other media organizations, by and through the undersigned counsel, respectfully file this motion for an order permitting them to submit a memorandum of law as *amici curiae* in support of confirmation of the Amended Chapter 11 Plan. In support thereof, the proposed *amici* state as follows:

JURISDICTION & VENUE

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

PROCEDURAL HISTORY

2. On November 4, 2016, the United States Bankruptcy Court for the Southern District of New York (the “Court”) entered an *Order Approving (I) the Adequacy of the Disclosure Statement, (II) the Solicitation and Notice Procedures with Respect to Confirmation of the Amended Joint Chapter 11 Plan of Liquidation for Gawker Media Group, Inc., Gawker Media LLC, and Gawker Hungary Kft., (III) the Form of Ballots and Notices in Connection*

Therewith, and (IV) the Scheduling of Certain Dates with Respect Thereto (the “Disclosure Statement Order”) that, among other things: (a) approved the *Disclosure Statement for the Amended Joint Chapter 11 Plan of Liquidation for Gawker Media Group, Inc., Gawker Media LLC, and Gawker Hungary Kft.* (as may further be amended from time to time and including all exhibits and supplements thereto, the “Disclosure Statement”) as containing adequate information, as required under section 1125(a) of title 11 of the United States Code (the “Bankruptcy Code”), and (b) authorized the above-captioned debtors and debtors in possession (collectively, the “Debtors”) to solicit votes with regard to the acceptance or rejection of the *Amended Joint Chapter 11 Plan of Liquidation for Gawker Media Group, Inc., Gawker Media LLC, and Gawker Hungary Kft.* (as may further be amended from time to time and including all exhibits and supplements thereto, the “Plan”).

3. The Court established December 5, 2016, at 4:00 p.m., New York Time as the deadline for submitting objections to the Plan and scheduled a hearing to confirm the Plan on December 13, 2016, at 10:00 a.m., New York Time before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, in the United States Bankruptcy Court for the Southern District of New York.

BASIS FOR RELIEF REQUESTED

4. The 21 proposed *amici* are representatives and members of the news media. They seek to submit an *amicus* memorandum of law in support of the third-party releases and injunction provisions contained in the Plan.¹ The proposed *amicus* memorandum of law is attached to this motion as Exhibit 1.

¹ See sections 9.02 and 9.05 of the Plan.

5. The proposed *amici* are: American Society of News Editors, Association of Alternative Newsmedia, The E.W. Scripps Company, First Look Media Works, Inc., Freedom of the Press Foundation, International Documentary Assn., Investigative Reporting Workshop at American University, The Media Consortium, MediaNews Group, MPA—The Association of Magazine Media, National Press Photographers Association, New England First Amendment Coalition, Online News Association, PEN America, Radio Television Digital News Association, The Reporters Committee for Freedom of the Press, Reporters Without Borders, The Seattle Times Company, Society of Professional Journalists, Tully Center for Free Speech, and Vox Media. Each is described more fully in Appendix A of the proposed *amicus* memorandum of law.

6. These *amici* have a strong interest in ensuring that First Amendment interests and background principles of media law are considered and upheld in all judicial proceedings, including bankruptcy proceedings. In particular, *amici* seek to address the interests of journalists in proceedings that affect how the risk of legal liability is allocated between media companies, individual journalists, and unknown plaintiffs. The Plan's third-party release and injunction provisions directly relate to this issue.

7. The *amici* also are uniquely situated to explain the important practical considerations involved in the preservation of journalists' indemnification rights, as reflected in the Plan's third-party release and injunction provisions.

8. *Amici* respectfully submit that the perspectives and arguments contained in their proposed memorandum will augment the existing arguments regarding the Plan and will aid the Court's evaluation of the Plan's third-party release and injunction provisions. *See Auto. Club of N.Y., Inc. v. The Port Auth. of N.Y. & N.J.*, No. 11 Civ. 6746 (RJH), 2011 WL 5865296, at *2

(S.D.N.Y. Nov. 22, 2011) (“The usual rationale for amicus curiae submissions is that they are of aid to the court and offer insights not available from the parties.”).

9. The decision of whether to permit non-parties to appear as *amici curiae* is committed to the Court’s discretion. *E.g., Picard v. Greiff*, 797 F. Supp. 2d 451, 452 (S.D.N.Y. 2011).

NOTICE

10. This motion is being filed and served in accordance with the procedures set forth in the Order Establishing Certain Notice, Case Management, and Administrative Procedures and Omnibus Hearing Dates (“Case Management Order”) (Dkt. No. 93).

11. This motion is being filed on December 5, 2016, providing eight days’ notice in advance of the Confirmation Hearing. Concurrently with this motion, *amici* are filing an application for the Court to consider this motion upon shortened time, in accordance with ¶ 18 of the Case Management Order. Because the proposed *amicus* memorandum of law is in support of the confirmation of the Plan, *amici* do not anticipate opposition to their motion for leave to participate as *amici*. *Amici* respectfully submit that the slightly shortened notice time of eight days will not prejudice any party or person.

CONCLUSION

12. For the foregoing reasons, the proposed *amici curiae* respectfully request that the Court enter an order granting them leave to submit a memorandum of law as *amici curiae* in support of confirmation of the Amended Chapter 11 Plan.

December 5, 2016

Respectfully submitted,

BAKER & HOSTETLER LLP

/s/ Mark I. Bailen

Bruce W. Sanford

Mark I. Bailen

Christopher J. Giaimo

Washington Square, Suite 1100

1050 Connecticut Avenue, N.W.

Washington, DC 20036-5304

mbailen@bakerlaw.com

Phone: (202) 861-1500

Fax: (202) 861-1783

Counsel for Amici Curiae